

CENTER FOR CIVIL JUSTICE

320 South Washington, 2nd Floor

Saginaw, Michigan 48607

Voice: (989) 755-3120 Fax: (989) 755-3558

Fighting poverty through advocacy, education, and empowerment.

Testimony on House Bill 6481 Before the House Committee on Government Operations

September 19, 2006

Introduction

The Center for Civil Justice ("CCJ") is a nonprofit law firm with office in Saginaw and Flint. CCJ provides legal representation and advocacy to low-income clients in a fourteen county region of eastern Michigan and the Thumb, which includes the urban areas of Saginaw, Bay City, Flint, and Port Huron, as well as surrounding rural areas and counties.

As part of our services, we regularly meet with and work closely with many human services providers, faith-based groups, and community organizations that help low-income persons move from welfare to work and to become more self-sufficient. We have worked for more than a decade on efforts to improve the screening and assessment of families receiving Family Independence Program (FIP) cash assistance in Michigan, as well as the education, training, and services available to help families move out of poverty – not just off the cash assistance rolls.

We oppose HB 6481 because

- it would divert attention and resources from far more prevalent barriers facing low income families,
- it is unnecessary because state law already provides for appropriate substance abuse screening, assessment, testing and treatment, as well as for the termination of benefits of individuals who fail to comply with required treatment and testing, and
- as written, it would unnecessarily delay or deny assistance to eligible families in desperate need.

HB 6481 will divert scarce resources from addressing other, more prevalent and more serious barriers to employment among FIP recipients in Michigan

HB6481 does not appropriate new funds to cover the cost of the additional substance abuse screening time, professional assessments, and drug testing that it would require. Each of these steps will require the diversion of scarce resources that otherwise could be used to identify and address other, more significant barriers to work.

Research has shown that only 3% of welfare recipients suffer from substance abuse dependency, and that by itself, substance abuse is not a statistically significant factor impeding the transition from

welfare to work.¹ Both alcohol and substance abuse are far less prevalent than other barriers, several of which do have a statistically significant impact on success in getting and keeping employment, as shown in Table 1 below.

Mental health disorders are a far more prevalent and serious problem than substance abuse among welfare recipients. Research has shown that the number of parents that receive FIP who screen positive for serious substance abuse problems is much lower than the number of FIP parents who screen positive for serious mental illnesses. In the University of Michigan's Women's Employment Survey (a longitudinal study of women who were on FIP in Michigan in 1997), 50% of the women met criteria for Depression on at least one of the 5 surveys in the 1997-2003 period, 40% met the criteria for Post Traumatic Stress Disorder on at least 1 survey, 30% met the criteria for generalized Anxiety on at least 1 survey, and 20% met the criteria for Social Phobia on at least on survey. By comparison, only 8% met the criteria for Alcohol dependence on at least 1 survey and only 9% met the criteria for drug dependence on at least 1 survey, as shown in Table 2, below. And even when the inquiry is broadened to look at the use of illegal drugs, rather than substance abuse or dependence, the University of Michigan found that mental health disorders are a more prevalent, persistent problem for FIP recipients – with twice as many parents in the study meeting the criteria for a serious mental illness in 3 or 4 of the first 4 surveys, as reported illegal drug use: 22% with a mental health disorder and 11% with illicit drug use.

Learning disabilities and educational deficits likewise are a more serious and prevalent problem for parents on FIP than is substance abuse. The National Governor's Association reports that national studies suggest between 25 and 35% of adult welfare recipients suffer from learning disabilities, the vast majority (85%) of whom were never identified as learning disabled by the public school system.² In the University of Michigan survey, 12% were identified as learning disabled, 20% read below the fifth grade level, and 30% had no GED or high school diploma.³

The children of Michigan would be much better served by efforts to increase the resources available for mental health assessment, diagnosis, and treatment, as well as efforts to provide education and training – so that mental health and educational barriers to self-sufficiency will be identified and, when possible, removed.

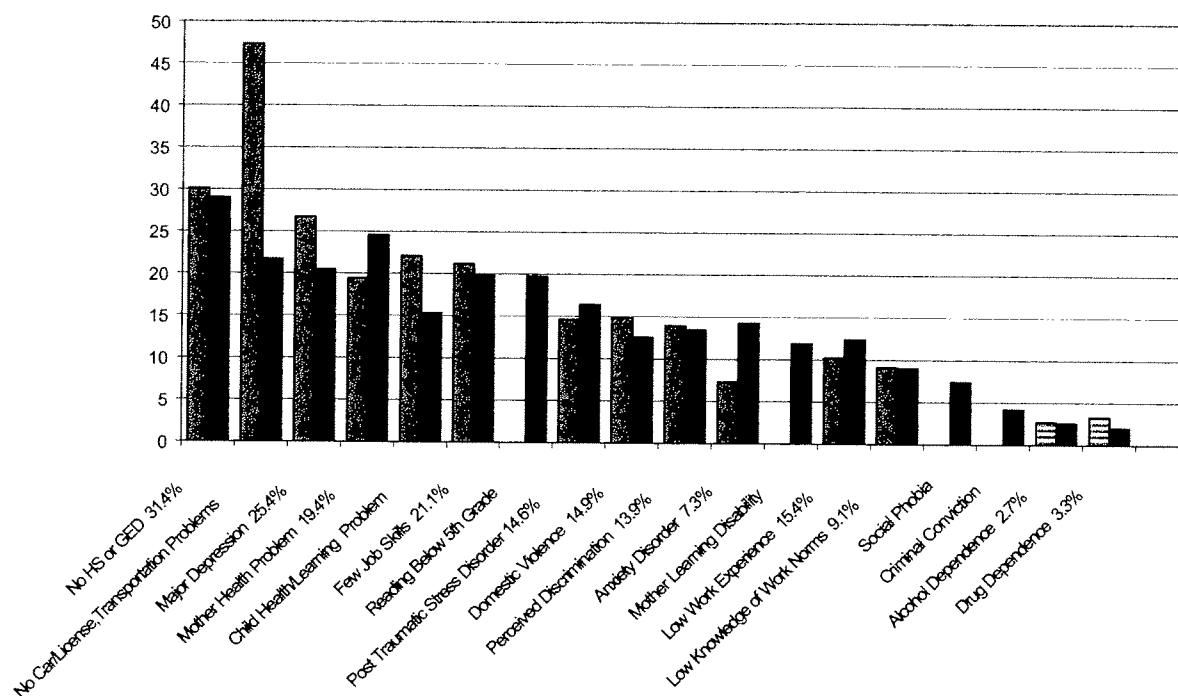
¹ The University of Michigan has been researching the prevalence and significance of various barriers to self-sufficiency since Michigan's welfare reform policies were instituted in 1997, through a longitudinal study of women who received FIP in an urban county in Michigan in 1997. As a part of the study, several hundred women have been interviewed in depth, using validated screening instruments, every year or two. The survey have consistently found that only 2 – 3% of the women being surveyed meet the clinical criteria for substance abuse dependence. See, e.g., <http://www.fordschool.umich.edu/research/pdf/weschartbook.pdf> and <http://www.irp.wisc.edu/publications/dps/pdfs/dp119399.pdf>.

² NGA, "Serving Welfare Recipients with Learning Disabilities in a 'Work First' Environment," July 28, 1998).

³ Statewide, DHS statistics show about 40% of adult FIP recipients lack a high school diploma or GED.

Table 1

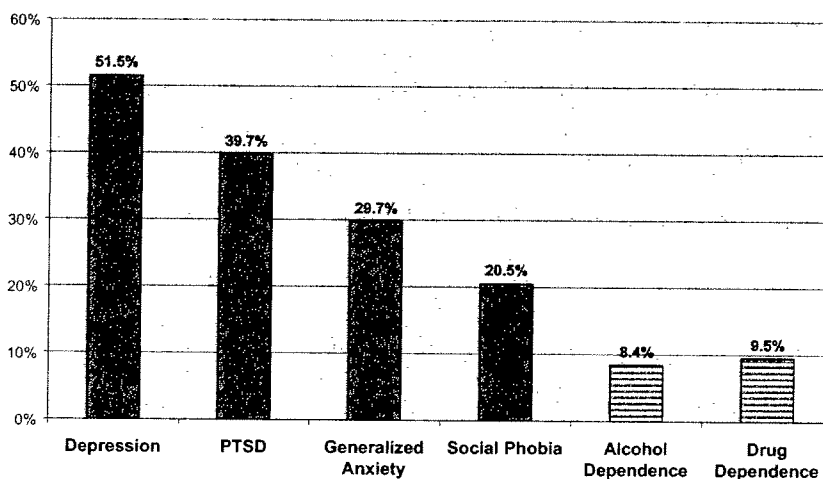
Percentage of 1997 Welfare Recipients with Specific Barriers to Self-Sufficiency, 1997 - 2003



Source: University of Michigan, Gerald R. Ford School of Public Policy, Michigan Program on Poverty and Social Welfare Policy, The Women's Employment Study, <http://www.fordschool.umich.edu/research/pdf/weschartbook.pdf> (Table 13, December 2004) and <http://www.irp.wisc.edu/publications/dps/pdfs/dp119399.pdf> (Table 3)

Table 2

Percentage of 1997 FIP Recipients Meeting Diagnostic Criteria at Least Once, from 1997-2003



Source: Source: University of Michigan, Gerald R. Ford School of Public Policy, Michigan Program on Poverty and Social Welfare Policy, The Women's Employment Study, <http://www.fordschool.umich.edu/research/pdf/weschartbook.pdf> (Table 16, December 2004).

Appropriate substance abuse screening, assessment, and treatment already is authorized, as are sanctions for noncompliance with mandated treatment and testing

The Department of Human Services and the Michigan Works Agencies/ Department of Labor and Economic Growth already are required by law to screen and assess the needs, abilities, and barriers of individuals who apply for FIP cash assistance. *MCLA 400.57e(1) and 2006 Pub Act 345 section 405(3)*. When potential barriers are identified, recipients must be referred for further assessment and services. *Id.* Similarly, state law already requires DHS and the MWAs/DLEG to create an individualized Family Self-Sufficiency Plan for each recipient, setting out set compliance goals and required activities for each recipient. *MCLA 400.57e(1)*. And if substance abuse is identified as a barrier to compliance, the recipient's contract or plan will mandate substance abuse treatment, which may include periodic testing. *Id. at (e)*. When a recipient fails to comply with their Plan, DHS must impose sanctions, including the termination of FIP cash assistance to the entire family for a minimum of one month.

HB 6481 would delay or deny necessary assistance to families in desperate need

Because DHS and DLEG already have authority to do appropriate screening and to impose mandate appropriate substance abuse treatment and testing when substance abuse is identified as a barrier to self-sufficiency, it appears that the only real purpose of HB6481 is to delay or deny assistance to families that have applied for FIP, by making drug screening and testing an eligibility requirement, and thus a pre-requisite to approval of a family's FIP application.

Most families are in desperate shape when they apply for FIP, having exhausted other resources or means of support. If families are forced to go through the protocol set forth in HB 6481's proposed *MCLA 400.57l(2)(A) – (D)* before their application may be approved, delays are likely to ensue. Even families that ultimately are determined not to have a substance abuse problem may suffer delays in getting assistance because of the need to schedule and attend meetings with properly trained professional and to undergo chemical drug-screening tests.

Furthermore, because HB 6481 does not guarantee childcare and transportation for FIP applicants who are required to undergo screening, assessment, and testing, many of the indigent parents who are referred for a one-on-one assessment (as the result if a "survey" that is not even required to be a validated instrument administered by a properly trained individual), will be unable to attend and thus will be denied assistance, even if they in fact have no substance abuse problem and meet all other eligibility criteria.

Conclusion

For the foregoing reasons, the Center for Civil Justice believes that HB 6481 will undermine ongoing efforts to improve screening, assessment, education, training and other services to FIP recipients, and will place needy children and families at risk of harm. We therefore oppose HB 6481.

For further information, please feel free to contact Jackie Doig, Senior Staff Attorney, at jdoig@ccj-mi.org, or at the phone number and address in the letterhead on page 1.